WATER OBSTRUCTION AND ENCROACHMENT PERMIT


Pennsylvania Department of Transportation
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699

giving its consent to: 1) remove an existing single span T-Beam bridge having a total span of 25.0 feet, a width of 30 feet, and minimum underclearance of 5.0 feet, with associated dam structure located directly under the bridge, 2) remove an existing single-lane single span T-Beam bridge having a total span of 12.0 feet, a width of 30 feet, and minimum underclearance of 5.0 feet, with associated emergency spillway structure located directly under the bridge, 3) remove approximately 9,240 cubic feet of roadway fill between the two bridge structures, 4) construct and maintain a single span Spread Box Beam Bridge having a total span of 48.5 feet, a width of 50 feet, and minimum underclearance of 4.0 feet carrying Oregon Road (SR 0722) over Lititz Run (WWF), 5) construct and maintain two stormwater outfalls to Lititz Run (WWF) on the north side of the proposed bridge, and 6) install and maintain three grade control structures using R-7 rock to maintain current water levels, all at a point approximately 200 feet west of the intersection of SR 0722 with Creek Road (TR-620) (Leola, PA Quadrangle N: 20.2 inches, W: 17.2 inches; Latitude 40°06’40", Longitude: 76°14’54") in Manheim Township, Lancaster County. The project will result in approximately 270 linear feet of perennial stream impact.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with DEP on the 9th day of March A.D. 2007, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on the 9th day of March A.D. 2007, and the 5th day of July A.D. 2007, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions. If the work authorized by this permit is not completed on or before the 31st day of December A.D. 2010, this permit, if not previously revoked or specifically extended by DEP in writing, shall become void without further notification.
1. The permittee shall sign the permit thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of the permit. The permittee shall return a signed copy of the permit to DEP. The permit will not be effective until the signed copy of the permit is received by DEP;

2. DEP, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and DEP may, in addition, institute appropriate legal proceedings;

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania "Commonwealth", neither does it authorize any injury to private property or invasion of private rights, nor any infringement of federal, state, or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of DEP, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP. DEP, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary to assure compliance with the Dam Safety and Encroachments Act and other laws administered by DEP, the Pennsylvania Fish Commission and any river basin commission created by interstate compact. DEP further reserves the right to suspend or revoke this permit for failure to comply with a provision of 25 Pa. Code Chapter 105, an administrative order of DEP or a term or condition of this permit;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of DEP and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of DEP shall require the prior written approval and permit of DEP;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by DEP;

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

8. DEP reserves the right to take any and all actions regarding the permitted activity that are authorized by law to protect public health, public safety and the environment;

9. The permittee shall notify DEP, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;
10. If construction work has not been completed within the time specified in the permit and the time limit specified in the permit has not been extended in writing by DEP or if a permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that DEP may prescribe, remove all or any portion of the work as DEP requires and restore the water course and floodplain to their former condition;

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with DEP in writing, on a form provided by DEP, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of DEP or another federal, state, county or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications;

13. This permit may not be transferred without prior written approval from DEP, such approval being considered upon receipt of the properly executed “Application for Transfer of Permit” form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by DEP;

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Bureau of Administrative Services, PO Box 67000, Harrisburg, PA 17106; telephone 717-705-7900;

16. Permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission’s Southcentral Regional Office, 1704 Pine Road, Newville, PA 17241; telephone 717-486-7087;
18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601; telephone 717-299-5361;

19. **SPECIAL CONDITIONS.**

   a. The cofferdam must be constructed of rock, free of fines and silts, or other non-erodible material.

   b. Water pumped from the construction area shall be diverted into a sediment trap or basin, or into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth.

   c. Streambank disturbance shall be kept to a minimum and stabilized with indigenous vegetation within 20 days of final earthmoving to prevent erosion and provide cover, shading, and food source for aquatic life.

   d. Environmental controls for this project should follow the November 17, 1986 Pennsylvania Department of Transportation document entitled “Guidelines for Environmental Pollution Controls for Bridge Painting Contracts.” Prior to painting any bridge, the permittee shall notify the Regional Water Quality Manager, Southcentral Regional Office.

   e. Demolition or excavated materials shall not be deposited in any wetland, watercourse, floodway, floodplain, or other body of water without applying for and receiving the written permit of DEP.

   f. Project construction shall take place when the stream is at normal low flow.

   g. The permittee shall maintain the structure(s) herein authorized free of flood debris and silt deposits. When removal of silt and debris is necessary, it shall be accomplished in accordance with DEP’s “Standards for Channel Cleaning at Bridges and Culverts,” a copy of which is attached and made part of this permit.

Future bridge and culvert rehabilitation and maintenance work is subject to the following conditions:

(1) No reduction of span, underclearance, or waterway opening of the structure will occur.

(2) No roadway grade will be altered, other than that required for normal resurfacing.

(3) No substantial modification of the structure from its original specifications will be permitted.
(4) When work involves repairs to piers, footers, or wingwalls, the construction area should be enclosed wherever possible within a cofferdam of sandbags or other nonpollution material.

(5) The placement of riprap, where necessary, shall not constrict the normal channel width nor shall it interfere with any navigation on the stream or migration of fish.

h. This permit is not to be considered an approval of the structural analysis, the engineering specifications, or the construction methods utilized during construction of this bridge.

i. This permit also authorizes the temporary installation of a cofferdam that upon completion of the project shall be completely removed and the area restored and stabilized.

j. A regularly scheduled inspection of the structure(s) shall be made to provide for continued operation and maintenance during the lifetime of the facility.

k. The enclosed Dam Breach Completion Certification must be submitted to DEP Dam Safety, and the Permitting and Technical Services Section, with the required owner signature and professional engineer’s signature and seal, within ten days after completion of this work. Photographic documentation should be submitted with this notification. If plans were modified during removal of the dam, the professional engineer’s signature and seal are also required on the Dam Breach Completion Certification and a detailed set of as-built drawings must be submitted to this office within 30 days after completion of this work.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Michael J. Klug
Permittee (signature) 8/20/10

Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION

James S. Spontak
Program Manager

AUG 13 2007
Issue Date